Request for extension of time under 37 C.F.R. §1.136

Assignee herewith petitions the Director of the United States Patent and Trademark Office to extend the time for response to the Office Action dated January 19, 2001 for 2 month(s) from April 19, 2001 to June 19, 2001.

Please charge Deposit Account #02-2666 in the amount of:

_____	($110.00 for a one month extension)
__X_	($390.00 for a two month extension)
_____	($890.00 for a three month extension)
_____	($1,390.00 for a four month extension)

to cover the cost of the extension.

Remarks

Reexamination and reconsideration of this application, as amended, is requested. Claims 1-45 remain in the application. No new claims have been added or canceled.

Applicant believes there is no charge for this response because no new claims have been added.

Allowed Claims

Applicant would also like to gratefully acknowledge the Examiner's indication that claims 17-22 and 41-45 are allowable, that claims 36-40 would be allowable if the rejection under 35 USC § 112 was addressed, and that claims 3-7, 12-16 and 27-30 are objected to as being dependent upon a rejected base claim.

With respect to claims 36-40, Applicant has addressed the typographical error in claim 34, and thus, believe that these claims are now allowable. Note, this amendment was directed strictly to matters of form and did not narrow the scope of

this element of the claimed invention. Thus, the presumption of the complete bar to the doctrine of equivalents is not invoked.

With regard to claims 3-7, 12-16, and 27-30, Applicant has either amended the rejected base claim or provided reasons why the rejected base claim is allowable. Thus, Applicant believes these claims are now allowable.

Support for Amendments

As indicated above, claims 1, 11, 23, and 34 have been amended. Support for the amendments is shown at least by the examples illustrated in FIGs. 2-3, described on column 3, line 41, through column 6, line 67 of the original patent, and recited in claim 8 as originally allowed.

In addition, the specification has been amended to correct other minor and inadvertent grammatical errors. This amendment is directed strictly to matters of form and, therefore, does not affect the scope of the claims or create any prosecution history estoppel.

Applicant respectfully submits that no new matter has been added.

Response to the 35 U.S.C. §112, Second Paragraph, Rejection

The Office Action rejects claim 34 under 35 U.S.C. §112, second paragraph. As indicated above, the typographical error has been corrected, and Applicant requests that this rejection be withdrawn.

Response to the 35 U.S.C. §102(b) Rejection

The Office Action also rejects claims 23, 25, 26 and 31 under 35 U.S.C. §102(b) as being anticipated by Hamon (US 5,157,493). Applicant respectfully traverses this rejection in view of the remarks that follow.

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As is well-established, in order to successfully assert a *prima facie* case of anticipation, the Examiner must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Examiner has not succeeded in making a prima facie case.

Applicant begins with claim 23. Claim 23 specifically recites:

"23. An apparatus adapted to process an image, comprising:

an amplifier adapted to apply more than one gain level to the image; and

a processor coupled to the amplifier, wherein the processor is capable of adjusting the more than one gain level applied by the amplifier in real time."

It is respectfully asserted that, as one example, Hamon fails to meet either expressly or inherently the element of a processor coupled to the amplifier. The Office Action relies on monostable 18 as satisfying this element. However, a monostable is not a processor. Accordingly, Hamon cannot anticipate Applicant's amended claim 23. Since claims 25, 26, and 31 depend from independent claim 23, they are not anticipated for at least the same reason.

Additional arguments to distinguish the cited patent from claim 23 could have been made, but it is believed that the foregoing discussion is sufficient to overcome the Examiner's rejection.

Response to the 35 U.S.C. §102(b) Rejection

The Office Action also rejects claims 1, 2, 8, 9, 11, 23-26, 31, 32, 34, and 35 under 35 U.S.C. §102(e) as being anticipated by Suzuki (US 6,163,342). Applicant believes this rejection has been overcome in view of the amendments made above and the remarks that follow.

Again, as is well-established, in order to successfully assert a *prima facie* case of anticipation, the Examiner must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Examiner has not succeeded in making a prima facie case.

Applicant begins with claim 1. Claim 1 specifically recites:

"1. A camera comprising:

a sensor configured to capture an image and generate a sensor output signal representing the captured image;

an amplifier coupled to receive the sensor output signal, wherein the amplifier is configured to apply multiple gain levels to the sensor output signal; and

a processor coupled to the amplifier, wherein the processor is configured to provide a control signal to the amplifier to adjust the gain levels applied by the amplifier, the processor adapted to adjust the gain level of one portion of the captured image in response to a value of a previous portion of the captured image."

It is respectfully asserted that, as one example, Suzuki fails to meet, either expressly or inherently, is a processor that is adapted to adjust the gain level of one portion of a captured image in response to a value of a previous portion of the captured image.

In contrast, Suzuki does not adjust the gain settings for one part of an image based on the values of another part of the image. As shown in FIG. 8 of Suzuki, the average value for the entire image is calculated (S42). This average value is then used to determine the gain settings for the next image to be captured. In other words, Suzuki uses a predictive method of adaptive gain control. More importantly, the gain settings of an image are not based on the values sensed for

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other parts of that same image. Instead, the gain setting for an image is changed based on the average values for the previous image. Again, the gain settings for an image are based on the average value calculated in from the previous image.

Accordingly, Suzuki cannot anticipate Applicant's amended claim 1. Since claims 2, 8, and 9 depend from independent claim 1, they are not anticipated for at least the same reason.

With respect to claim 11, Applicant would like to point out that claim 11 has been amended to recite that the processor is configured to provide a control signal to the amplifier to adjust the gain level applied by the amplifier so that the gain level of one portion of the captured image is different than the gain level of another portion of the captured image. As shown in Suzuki, an average value is calculated and applied to the next image. Suzuki does not teach of suggest that different gain settings are applied to the same image. Accordingly, Suzuki cannot anticipate Applicant's amended claim 11.

With respect to claim 23, Applicant would like to point out that claim 23 has been amended to recite that the processor is capable of adjusting the more than one gain level applied by the amplifier in real time. As shown in Suzuki, an average value is calculated and applied to the next image. Suzuki does not teach that the gain applied to an image can be changed when only a portion of the image has been analyzed. Instead, Suzuki teaches that the average for the entire image must be calculated first and then the gain setting for the next image may be adjusted. Suzuki does not permit changing of the gain settings real time.

Accordingly, Suzuki cannot anticipate Applicant's amended claim 23. Since claims 24-26, 31, and 32 depend from independent claim 23, they are not anticipated for at least the same reason.

With respect to claim 34, Applicant would like to point out that claim 34 has been amended to recite that the processor is adapted to provide a signal to the amplifier to adjust the at least two gain levels and apply one gain level to a first portion of the image and a second gain level to a second portion of the image. As shown in Suzuki, an average value is calculated and applied to the next image. Suzuki does not teach of suggest that different gain settings are applied to the same image. Accordingly, Suzuki cannot anticipate Applicant's amended claim 34. Since claim 35 depends from independent claim 34, it is not anticipated for at least the same reason.

Response to the 35 U.S.C. §102(b) Rejection

The Office Action also rejects claims 1, 2, 8-11, 23-26, and 31-35 under 35 U.S.C. §102(b) as being anticipated by Takahashi (US 5,295,001). Applicant believes this rejection has been overcome in view of the amendments made above and the remarks that follow.

Again, as is well-established, in order to successfully assert a *prima facie* case of anticipation, the Examiner must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Examiner has not succeeded in making a prima facie case.

Applicant begins with claim 1. Claim 1 specifically recites:

"1. A camera comprising:

a sensor configured to capture an image and generate a sensor output signal representing the captured image;

an amplifier coupled to receive the sensor output signal, wherein the amplifier is configured to apply multiple gain levels to the sensor output signal; and

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a processor coupled to the amplifier, wherein the processor is configured to provide a control signal to the amplifier to adjust the gain levels applied by the amplifier, the processor adapted to adjust the gain level of one portion of the captured image in response to a value of a previous portion of the captured image."

It is respectfully asserted that, as one example, Takahashi fails to meet, either expressly or inherently, is a processor that is adapted to adjust the gain level of one portion of a captured image in response to a value of a previous portion of the captured image.

In contrast, Takahashi does not adjust the gain settings for one part of an image based on the values of another part of the image. As shown in FIG. 16a of Takahashi, the average value for the entire image is calculated with a histogram. This average value is then used to determine the gain settings for the next image to be captured. In other words, Takahashi uses a predictive method of adaptive gain control. More importantly, the gain settings of an image are not based on the values sensed for other parts of that same image. Instead, the gain setting for an image is changed based on the average values for the previous image. Again, the gain settings for an image are based on the average value calculated in from the previous image.

Accordingly, Takahashi cannot anticipate Applicant's amended claim 1. Since claims 2 and 8-10 depend from independent claim 1, they are not anticipated for at least the same reason.

With respect to claim 11, Applicant would like to point out that claim 11 has been amended to recite that the processor is configured to provide a control signal to the amplifier to adjust the gain level applied by the amplifier so that the gain level of one portion of the captured image is different than the gain level of another

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portion of the captured image. As shown in Takahashi, a preferred value is calculated with a histogram and applied to the next image. Takahashi does not teach of suggest that different gain settings are applied to the same image. Accordingly, Takahashi cannot anticipate Applicant's amended claim 11.

With respect to claim 23, Applicant would like to point out that claim 23 has been amended to recite that the processor is capable of adjusting the more than one gain level applied by the amplifier in real time. As shown in Takahashi, an preferred value is calculated with a histogram and applied to the next image. Takahashi does not teach that the gain applied to an image can be changed when only a portion of the image has been analyzed. Instead, Takahashi teaches that a histogram for the entire image must be calculated first and then the gain setting for the next image may be adjusted. Takahashi does not permit changing of the gain settings real time.

Accordingly, Takahashi cannot anticipate Applicant's amended claim 23. Since claims 24-26 and 31-33 depend from independent claim 23, they are not anticipated for at least the same reason.

With respect to claim 34, Applicant would like to point out that claim 34 has been amended to recite that the processor is adapted to provide a signal to the amplifier to adjust the at least two gain levels and apply one gain level to a first portion of the image and a second gain level to a second portion of the image. As shown in Takahashi, a preferred value is calculated with a histogram and applied to the next image. Takahashi does not teach of suggest that different gain settings are applied to the same image. Accordingly, Takahashi cannot anticipate Applicant's amended claim 34. Since claim 35 depends from independent claim 34, it is not anticipated for at least the same reason.

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Conclusion

The foregoing is submitted as a full and complete response to the Office Action mailed January 19, 2001, and it is submitted that claims 1-45 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of amended claims 1-16 and 23-40 is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 554-9732 is respectfully solicited.

Respectfully submitted,

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Dated: *6 -11- 01*

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